

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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LAWRENCE I. FRIEDMANN,

Plaintiff,

-against-

RAYMOUR FURNITURE CO., INC.,

Defendant.
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12 CV 1307 (LDW)(AKT)

**CERTIFICATION OF
COMPLIANCE WITH
LOCAL RULE OF UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
NEW YORK 37.3**

Pursuant to the *Minute Order* of the Judge A. Kathleen Tomlinson, dated July 2, 2012, and to the Court's *Orders* dated January 22, January 23, and January 29, 2013, counsel for Plaintiff Lawrence I. Friedmann hereby certifies compliance with *Local Rule of United States District Court for the Eastern District of New York 37.3* during the course of two (2) telephonic conferences, wherein the parties each made good-faith efforts to resolve the disputed discovery prior to the submission of the *Motion* to which this Certification is attached:

1. On Friday, February 1, 2013, the parties spoke spent approximately twenty (20) minutes going line by line through Plaintiff's discovery issues. At that time, Plaintiff again voluntarily narrowed the scope of some of his discovery requests. The parties agreed that further communication would be necessary to in order for each party to consider the while the parties considered each other's stated assertions and limits.

2. The parties' latter telephonic conference occurred on February 7, 2013 and lasted approximately fifteen (15) minutes and the parties discussed the remaining outstanding issues, but were not able to agree on all outstanding discovery that Plaintiff still seeks. For that reason, Plaintiff submitted this *Motion*.

3. The two telephone calls listed above are in addition to Plaintiff's December 28, 2012 deficiency letter and the parties' telephone call on January 18, 2013, which provided a clearer understanding of the scope of Defendant's objections regarding *Federal Rule of Civil Procedure 26(a)(1)(A)(iv)*.

Dated: New York, New York
February 8, 2013

By: s/
Walker G. Harman, Jr.
THE HARMAN FIRM, PC
Attorneys for Plaintiff
200 West 57th Street, Suite 900
New York, New York 10019
(212) 425-2600
wharman@theharmanfirm.com